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8
9 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

10 In the Matter of

11 **DAVID HALL**

12 Holder of License No. 13049
For the Practice of Pharmacy
13 In the State of Arizona

Board Case No. 06-0019-PHR

**CONSENT AGREEMENT
FOR REVOCATION**

14
15 In the interest of a prompt and judicious settlement of this case, consistent with the
16 public interest, statutory requirements and the responsibilities of the Arizona State Board
17 of Pharmacy ("Board") and under A.R.S. §§ 32-1901, *et. seq.* and 41-1092.07(F)(5),
18 David Hall ("Respondent"), holder of Arizona Pharmacist License Number 13049, and
19 the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and
20 Order ("Consent Agreement") as a final disposition of this matter.

21 1. Respondent has read and understands this Consent Agreement and has had
22 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
23 opportunity to discuss this Consent Agreement with an attorney.

24 2. Respondent understands that he has a right to a public administrative
25 hearing concerning the above-captioned matter, at which hearing he could present
26

1 evidence and cross examine witnesses. By entering into this Consent Agreement,
2 Respondent knowingly and voluntarily relinquishes all right to such an administrative
3 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or
4 any other administrative and/or judicial action, concerning the matters set forth herein.

5 3. Respondent affirmatively agrees that this Consent Agreement shall be
6 irrevocable.

7 4. Respondent understands that this Consent Agreement or any part of the
8 agreement may be considered in any future disciplinary action by the Board against him.

9 5. Respondent understands this Consent Agreement deals with Board
10 Complaint No. 3084 involving allegations of unprofessional conduct against Respondent.
11 The investigation into these allegations against Respondent shall be concluded upon the
12 Board's adoption of this Consent Agreement.

13 6. Respondent understands that this Consent Agreement does not constitute a
14 dismissal or resolution of any other matters currently pending before the Board, if any,
15 and does not constitute any waiver, express or implied, of the Board's statutory authority
16 or jurisdiction regarding any other pending or future investigation, action or proceeding.

17 7. Respondent also understands that acceptance of this Consent Agreement
18 does not preclude any other agency, subdivision, or officer of this State from instituting
19 any other civil or criminal proceedings with respect to the conduct that is the subject of
20 this Consent Agreement.

21 8. All admissions made by the Respondent in this Consent Agreement are
22 made solely for the final disposition of this matter, and any related administrative
23 proceedings or civil litigation involving the Board and Respondent. Therefore, any
24 admissions made by Respondent in this Consent Agreement are not intended for any
25 other use, such as in the context of another regulatory agency's proceedings, or civil or
26

1 criminal proceedings, whether in the State of Arizona or in any other state or federal
2 court.

3 9. Respondent acknowledges and agrees that, upon signing this Consent
4 Agreement and returning this document to the Board's Executive Director, he may not
5 revoke his acceptance of the Consent Agreement or make any modifications to the
6 document regardless of whether the Consent Agreement has been signed by the
7 Executive Director. Any modification to this original document is ineffective and void
8 unless mutually agreed by the parties in writing.

9 10. Respondent understands that the Consent Agreement shall not become
10 effective unless and until adopted by the Board and signed by its Executive Director.

11 11. If a court of competent jurisdiction rules that any part of this Consent
12 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
13 shall remain in full force and effect.

14 12. Respondent understands and agrees that if the Board does not adopt this
15 Consent Agreement, he will not assert as a defense that the Board's consideration of this
16 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

17 13. Respondent understands that this Consent Agreement is a public record that
18 may be publicly disseminated as a formal action of the Board and may be reported as
19 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
20 Protection Data Bank.

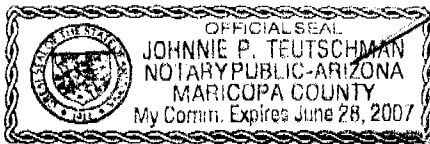
21 14. Respondent understands that any violation of this Consent Agreement
22 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
23 1901.01(B)(20), -1927(A)(1).

1 ACCEPTED AND AGREED BY RESPONDENT

2 David Hall
3 David Hall

Dated: 5/10/6

4 Subscribed and sworn to before me in the County of MARICOPA, State of ARIZONA,
5 this 10th day of MAY, 2006, by David Hall.



Johnnie P. Deutschman
NOTARY PUBLIC

My Commission expires: June 28, 2007

10 FINDINGS OF FACT

11 1. The Arizona State Board of Pharmacy ("Board") is the duly constituted
12 authority for licensing and regulating the practice of pharmacy in the State of Arizona.

13 2. David Hall ("Respondent") holds Arizona Pharmacist License No. 13049.

14 3. On or about May 1, 2006, Respondent pled guilty to the following class 4
15 felony criminal offenses:

- 16
- Two counts of forgery in violation of A.R.S. § 13-2002(A).
 - 17 • One count of unlawful possession of a narcotic drug (Oxycontin) in
18 violation of A.R.S. § 13-3408(A)(1).
 - 19 • One count of unlawful possession of a dangerous drug (Adderall) in
violation of A.R.S. § 13-3406(A)(1).

20 (A true and correct copy of the plea agreement in *State of Arizona v. David Winters Hall*,
21 Yavapai County Superior Court, No. CR 820060114 is attached hereto and incorporated
22 herein by this reference.).

23 CONCLUSIONS OF LAW

24 1. The Board possesses jurisdiction over the subject matter and over Respond-
25 ent pursuant to A.R.S. § 32-1901 *et seq.*

2. The Board may discipline a pharmacist who has engaged in unprofessional conduct. A.R.S. § 32-1927(A)(1).

3. A person commits forgery if, with intent to defraud, the person: (a) falsely makes, completes or alters a written instrument; (b) knowingly possesses a forged instrument; or (c) offers or presents, whether accepted or not, a forged instrument or one that contains false information. A.R.S. § 13-2002(A). Possession of five or more forged instruments may give rise to an inference that the instruments are possessed with an intent to defraud. A.R.S. § 13-2002(B). Forgery is a class 4 felony. A.R.S. §§ 13-2002(C).

4. A person shall not knowingly possess or use a narcotic drug. A.R.S. § 13-3408(A)(1). Unlawful possession of a narcotic drug is a class 4 felony. A.R.S. § 13-3408(B)(1).

5. A person shall not knowingly possess or use a dangerous drug. A.R.S. § 13-3407(A)(1). Unlawful possession of a dangerous drug is a class 4 felony. A.R.S. § 13-3407(B)(1).

6. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1901.01(B)(8) ("Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude or any drug related offense. In either case, conviction by a court of competent jurisdiction or a plea of no contest is conclusive evidence of the commission.").

ORDER


Based upon the above Findings of Fact and Conclusions of Law and under the authority granted to the Board, under A.R.S. §§ 32-1928, 41-1092.07(F)(5), and A.A.C. § R4-23-122(c),

IT IS HEREBY ORDERED THAT License No. 13049, which was issued to David Hall for the practice of Pharmacy in the State of Arizona, is hereby REVOKED.

1 DATED this 24th day of May, 2006.

2 ARIZONA STATE BOARD OF PHARMACY

3 (Seal)

4 By: 
5 HAL WAND, R.Ph.
6 Executive Director

7 ORIGINAL OF THE FORGOING FILED
8 this 24th day of May, 2006, with:

9 Arizona State Board of Pharmacy
4425 W. Olive Avenue, Suite 140
10 Glendale, Arizona 85302

11 EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL
12 this 24th day of May, 2006, to:

13 David Hall
355 S. 12th Street, #H-8
Cottonwood, Arizona 86326
14 Respondent

15 EXECUTED COPY OF THE FOREGOING MAILED
16 this _____ day of _____, 2006, to:

17 Stephen Wolf
Assistant Attorney General
1275 W. Washington Street, CIV/LES
18 Phoenix, Arizona 85007
Attorneys for the State of Arizona

19 
20

21 LES06-0259/#471379

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 Street, Apt. No.,
 or PO Box No. 355 S. 12TH ST. # H-8
 City, State, ZIP+4[®] COTTONWOOD AZ 85326

PS Form 3800, June 2002 See Reverse for Instructions

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<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the back of the mailpiece so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <u>[Signature]</u> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>JOHANN LEUTSCHMAN</u> C. Date of Delivery <u>5/25/06</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p><u>DAVID HALL</u> <u>355 S. 12TH STREET.</u> <u># 11-8</u> <u>C</u></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p> <p><u>7005 1820 0002 8080 2742</u></p>	